



## EMPLOYEE INFORMATION SHEET

P.L. 101-630, Child Care Worker Positions Covered by  
Indian Child Protection and Family Violence Prevention Act  
and P.L. 101-647, Crime Control Act of 1990



### **REQUIREMENTS OF P.L. 101-630. Section 408**

**Section 408 of P.L. 101-630**, the Indian Child Protection and Family Violence Prevention Act, enacted November 28, 1990, requires the Secretary, Department of Health and Human Services to:

- A. Compile a list of all authorized positions the duties and responsibilities of which involve regular contact with, or control over, Indian children.
- B. Conduct an investigation of the character of each individual who is employed, or is being considered for employment.
- C. Prescribe by regulations, minimum standards of character that each individual must meet to be appointed to such positions.
- D. The minimum standards of character that are to be prescribed shall ensure that none of the individuals appointed to positions covered by the list described in item A above, have been found guilty of or entered a plea of nolo contendere (no contest) or guilty to, any offense under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; or crimes against persons.

Applicants who do not meet the minimum standards of character will be considered ineligible for positions covered by P.L. 101-630. Continued employment in a position covered by P.L. 101-630 is conditional on maintaining eligibility to perform the duties of the position. Employees that no longer meet eligibility requirements of a position must be removed from that position.

### **REQUIREMENTS OF PL 101-647. Section 231**

**Section 231 of P.L. 101-647, the Crime Control Act of 1990**, enacted November 29, 1990, requires background investigations of "individuals involved with the provision to children under the age of 18 of child care services;" child care services is defined in the Act as "child protective services (include the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional or treatment services."

P.L. 101-647 mandates that each Agency of the Federal Government that hires Individuals involved with the provision to children under the age of 18 of childcare services shall assure:

- A. All existing and newly-hired employees undergo a criminal history background check within prescribed time limits.
- B. Employment applications shall contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so requiring a description and disposition of the arrest or charge.
- C. Obtain signature of the employee or prospective employee indicating that the employee or prospective employee has been notified of the employer's obligation to require a record check as a condition of employment and the employee's right to obtain a copy of the criminal history report made available to the employing Federal agency and the right to challenge the accuracy and completeness of any information contained in the report.
- D. The results of the background check shall be communicated to the employing agency.
- E. Any conviction for a sex crime, an offense involving a child victim, or a drug felony, may be grounds for denying employment or for dismissal of an employee involved in the provision to children under the age of 18 of child care services.